

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

EMMANUEL MOLINA,)	
)	
Petitioner,)	
)	CAUSE NO. 3:16CV49-PPS
vs.)	
)	
SUPERINTENDENT,)	
)	
Respondent.)	

OPINION AND ORDER

Emmanuel Molina, a *pro se* prisoner, filed a habeas corpus petition challenging a prison disciplinary hearing (WCC-15-08-0167) conducted at the Westville Correctional Facility, in which he was found guilty of Threatening and sanctioned with a 90-day loss of earned credit time. (DE 1.) The respondent moved to dismiss Molina's habeas petition, stating that the 90-day sanction imposed by the hearing officer has been rescinded. (DE 10; 10-1.) On October 19, 2016, Molina filed a response, claiming that he had not yet been awarded those 90 days of earned credit time. (DE 12.) The respondent has now confirmed that the 90 days has been restored to Molina. (DE 15-1.)

Based on the IDOC modifying the charge and restoring the lost good credit time, this petition is moot. As the respondent points out, because the sanction does not affect the term of Molina's custody, there is at present nothing for this court to review. *See Hadley v. Holmes*, 341 F.3d 661, 664 (7th Cir. 2003) (prisoner can challenge prison disciplinary determination in habeas proceeding only when it resulted in a sanction that lengthened the duration of his confinement).

Thus, Molina has succeeded here as the sanction that lengthened the duration of his confinement has been reversed and the lost time has been restored. This case must be dismissed because there is no longer any case or controversy to adjudicate. *Id.* Accordingly, the petition will be dismissed.

For these reasons, the motion to dismiss (DE 10) is **GRANTED**, the petition (DE 1) is **DISMISSED WITHOUT PREJUDICE**, and the clerk is **DIRECTED** to close this case.

ENTERED: January 4, 2017

/s/ Philip P. Simon
Chief Judge
United States District Court